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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
12  
13

14  
15 **DAVID CODELL PRIDE, JR.,**

16 Plaintiff,

17 v.

18  
19 **M. CORREA, et al.,**

20 Defendants.  
21

07-CV-1382-BEN (JMA)

**DEFENDANTS' NOTICE OF  
MOTION AND MOTION FOR  
SUMMARY JUDGMENT**

Date: April 21, 2014  
Time: 10:30 a.m.  
Place: 4B  
Judge: Hon. Roger T. Benitez

22 **TO DAVID CODELL PRIDE, PLAINTIFF AND HIS ATTORNEY OF**  
23 **RECORD:**

24 Please take notice that on April 21, 2014 at 10:30 a.m., Defendants M. Correa  
25 and M. Levin, M.D. will appear before The Honorable Roger T. Benitez in  
26 Courtroom 4B at 221 West Broadway, Courtroom 4B, San Diego, California  
27 92101, and move for summary judgment in their favor.

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1 The grounds for this motion will be as follows:

2 Defendants were not deliberately indifferent to Plaintiff's medical needs  
 3 because the medical evidence shows that Plaintiff is not medically required to have  
 4 a second or egg-crate mattress and Plaintiff did not return to his treating physician  
 5 for a proper examination. The Court should also enter summary judgment for  
 6 Defendants on Plaintiff's claim for injunctive relief because Defendant Levin is no  
 7 longer the Chief Medical Officer at Calipatria State Prison and is no longer in a  
 8 position to deny any medical chrono for Plaintiff.

9 This motion will be based on this Notice of Motion and Motion, the  
 10 supporting Memorandum of Points and Authorities and exhibits, the Rand notice,  
 11 and the Court's files in this matter.

12 Dated: February 13, 2014

Respectfully submitted,

13 KAMALA D. HARRIS  
 14 Attorney General of California  
 15 MICHELLE DES JARDINS  
 Supervising Deputy Attorney General

16  
 17 *s/ Terrence F. Sheehy*

18 TERRENCE F. SHEEHY  
 19 Deputy Attorney General  
 20 *Attorneys for Defendants M. Correa*  
*and M. Levin, M.D.*

21 TFS:LB  
 22 SD2007701066  
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### CERTIFICATE OF SERVICE

Case Name: **David Codell Pride, Jr. v. M.  
Correa, et al.**

No. **07-CV-1382-BEN (JMA)**

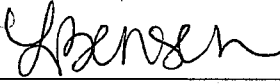
I hereby certify that on February 13, 2014, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANTS' NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 13, 2014, at San Diego, California.

L. Bensen  
Declarant

  
Signature

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